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Application No.: 10/840,173

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~~Docket No.:~~ 259052004500
Client Reference No.: SP4461US/YK**REMARKS**

Claims 1-33 are pending in the present application. By virtue of this response, claim 26 has been canceled, and claims 1, 8, 14 and 19 have been amended. Accordingly, claims 1-25 and 27-33 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Claim Objections

Applicant uses the claim terms "the memory functional element" and "the memory functional elements" extensively throughout the new and amended claims. There is not antecedent basis for these terms. Applicant apparently intended to use the terms "memory functional units," for which there is antecedent basis.

Applicant has amended "memory function units" in claim 1, 8, 14 and 19 to read "memory function elements", thus providing antecedent basis for the terms memory function elements and memory function element.

Double Patenting

A. Claims 8-13, 19-23 and 29-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-6, 8, and 20-23 of copending Application No. 10/846,875 in view of Larsen et al. (5,537,350) and Manabe et al. (2002/0040992).

Applicants are willing to file a terminal disclaimer once the claims are in condition for allowance.

B. Claims 1-7, 14-18 and 28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 10, 11

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and 13-15 of copending Application No. 10/846,875 in view of Larsen et al. (5,537,350) and Manabe et al. (2002/0040992).

Applicants are willing to file a terminal disclaimer once the claims are in condition for allowance.

C. Claims 24-27 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 10 and 11 of copending Application No. 10/846,875 in view of Larsen et al. (5,537,350) and Manabe et al. (2002/0040992), as applied to claims 1 and 14, above, and further in view of claims 20-23 of said copending Application No. 10/846,875.

Applicants are willing to file a terminal disclaimer once the claims are in condition for allowance.

Rejections under 35 USC § 103

Claims 1-25, 28-30 and 33 are rejected under 35 USC § 103(a) as allegedly being unpatentable over Larsen et al. (5,537,350) and Manabe et al. (2002/0040992).

Independent claims 1, 8, 14 and 19 have been amended to include all the limitations of previously presented claim 26. Since the Examiner failed to provide reasons for the rejection of claim 26, it is assumed that claim 26 is allowable except for its dependence on a rejected base claim. Accordingly, amending claims 1, 8, 14, and 19 to include all the limitations of previously presented claim 26 should put the claims in condition for allowance and thus the rejection of claims 1-25, 28-30 and 33 should be withdrawn.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 259052004500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 7, 2006

Respectfully submitted,

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